

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHLEEN BUNNELL and	:
DENNIS BUNNELL,	:
	:
Plaintiffs,	:
-against-	:
	:
FARZAD HAGHIGHI,	:
	:
Defendant.	:
-----X	

12 Civ. 6412 (FB) (SMG)

**REPLY AFFIRMATION OF
DEAN T. CHO, ESQ., IN
SUPPORT OF PLAINTIFFS'
MOTION FOR SUMMARY
JUDGMENT AND RELIEF
UNDER CPLR 6514(c)**

DEAN T. CHO, an attorney duly admitted to practice before the United States District Court for the Eastern District of New York, hereby affirms under penalties of perjury as follows:

1. I am counsel to Plaintiffs in this action and, except as otherwise noted, am fully familiar with the facts set forth herein. I respectfully submit this affirmation in support of Plaintiffs' motion, pursuant to Fed. R. Civ. P. 56, for summary judgment on Plaintiffs' complaint and Defendant's verified answer and counterclaim, as well as for an award of Plaintiffs' attorneys' fees, expenses and costs incurred in vacating Defendant's improper lis pendens on Plaintiffs' property pursuant to CPLR 6514(c).

2. Attached as Ex. 1 hereto is an excerpt of my contemporaneous timesheets for August and September 2013 (redacted to remove reference to unrelated matters pertaining to other clients), during which time I devoted considerable time to researching, preparing, and arguing Plaintiffs' successful motion to vacate Defendant's notice of pendency filed against the Premises, as well as arranging for the cancellation of the notice of pendency by the Queens County Clerk. Ex. 1 also includes the expenses incurred by Plaintiffs in connection with the vacating of Defendant's improper notice of

pendency, including electronic legal research expenses and Federal Express expenses incurred in delivering courtesy copies of the motion papers to the Court.

3. The total attorneys' fees (billed at \$275/hr), and expenses incurred and paid by Plaintiffs in connection with vacating and cancelling Defendant's improper notice of pendency was \$10,427.75, inclusive of a \$1,000 courtesy discount that I granted to Plaintiffs, as confirmed by the written invoices previously submitted to the Court with Plaintiffs' moving papers. That full amount has been paid by Plaintiffs.

4. Defendant's opposition papers raise no objection to the attorneys' fees and expenses incurred by Plaintiffs in successfully moving to vacate and cancel the notice of pendency, and Defendant raises no objection to the reasonableness of those charges.

WHEREFORE, I respectfully request that the Court award Plaintiffs attorneys' fees and expenses in the amount of \$10,427.75 pursuant to CPLR 6514(c).

Dated: March 14, 2014

/s/
Dean T. Cho (dc7986)

EXHIBIT 1

Excerpts of Attorney Dean T. Cho Contemporaneous Timesheets Concerning Notice of Pendency Issues in Bunnell v. Haghighi (Omits references to matters of other clients)

8/1/2013	Obtain and review lis pendens papers; email same to E. Firestone and clients (1.4 hrs)
8/2/2013	Legal research re: procedure for vacating notice of pendency (1.0 hrs)
8/6/2013	Legal research re: procedure for vacating notice of pendency (1.0 hrs)
8/7/2013	Legal research re: whether federal court can order vacatur of notice of pendency filed in state court (1.3 hrs)
8/8/2013	Drafting of OSC papers; legal research re: various grounds for vacating notice of pendency (2.9 hrs)
8/9/2013	Drafting of OSC motion papers; email to client re: same (3.6 hrs)
8/12/2013	Drafting of Plaintiffs' joint affidavit; drafting of affirmation of E. Firestone (3.1 hrs)
8/13/2013	Review email comments of clients and E. Firestone; revise and edit affidavit and affirmation (1.0 hrs)
8/14/2013	Review add'l email comments from client; edit client affidavit and E. Firestone affirmation (0.7 hrs)
8/15/2013	Editing of OSC motion papers; email same to client (1.1 hrs)
8/16/2013	Review and respond to emails from K. Bunnell and L. Weiss re: notice of pendency and deadline to close (0.7 hrs)
8/20/2013	Legal research re: whether party filing notice of pendency must file complaint; drafting of order to show cause; telephone conference with clients (2.5 hrs)
8/21/2013	Legal research re: service requirement of notice of pendency; drafting of OSC motion papers (3.3 hrs)
8/22/2013	Drafting of memorandum of law to vacate; call Judge Gold's chambers; telephone conference with clients and broker L. Weiss (3.2 hrs)
8/23/2013	Editing and revising of motion to vacate papers; telephone conference with clients re: same (1.6 hrs)

8/26/2013 Finalizing of motion to vacate papers; filing of motion papers; telephone conference with Court re: motion scheduling issues; telephone call and emails to opposing counsel re: motion issues and scheduling; emails to client and E. Firestone (2.3 hrs)

8/27/2013 Review court docket entry scheduling telephonic conference on motion; telephonic conference with client re: motion and scheduling; prepare for telephonic conference on motion to vacate (1.2 hrs)

8/28/2013 Prepare for telephonic conference with Court and opposing counsel re: motion to vacate; participate and argue during telephonic conference; telephonic conference with clients and E. Firestone re: outcome of telephonic conference with Court and scheduling of oral argument on motion (1.4 hrs)

9/3/2013 Telephonic conference with Court re: delivery of courtesy copies and confirmation of oral argument; email to client re: same (0.5 hrs)

9/4/2013 Prepare for oral argument; argument of motion to vacate; telephone conference with clients, L. Weiss and E. Firestone re: outcome of motion; filing of order vacating notice of pendency with Queens County Clerk (5.1 hrs)

9/5/2013 Confirm with Queens County Clerk the cancellation of the notice of pendency; telephone conference with E. Firestone, L. Weiss and clients re: same (1.1 hrs)

TOTAL HOURS = 40.0 hrs x \$275/hr = \$11,000

ELECTRONIC LEGAL RESEARCH TIME = 6.2 hrs x \$65/hr = \$403.00

FEDERAL EXPRESS CHARGES (courtesy copies to Court) = \$24.75

LESS \$1,000 COURTESY DISCOUNT TO CLIENTS

TOTAL: \$10,427.75